IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 393 OF 2006

Mr Ravi Kisan Rathod and Ors. ....Applicants.

V/s

The State of Maharashtra ....Respondent.

Mr. S.D. Ghag for the applicants.

Ms. S.D. Shinde, APP for the State.

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CORAM: V.M. KANADE, J.

DATE: 7th February 2006

P.C.:

1. Heard the learned Counsel for the applicants and the learned APP for the State.

2. The applicants are arrested in connection with the offence which is punishable under section 399 of the Indian Penal Code. The said offence is registered vide C.R. No. 550 of 2005 with MIDC Police Station. The applicants were arrested on 14/12/2005. It is alleged by the prosecution that the Investigating Officer had received an information that certain persons were going to commit robbery and that they were travelling in the Ambassador Car. Accordingly, the Investigating Officer alongwith the raiding party kept a watch and stopped the Ambassador Car which was

being driven by the applicant herein and certain weapons were found in the said Car.

3. The applicants are in jail since 14/12/2005. The charge-sheet is likely to be filed within a short time. It is submitted that the applicant No.1 was merely driving the car and did not have knowledge that other occupants of the Car had any intention to commit dacoity. It is submitted that the applicants are related to each other and they had gone to fill in the diesel in the vehicle of the employer of the applicant No.1. On a query being made to the learned APP whether there are any criminal antecedents against the applicants, she fairly conceded that, so far, there are no criminal antecedents. In view of these facts, in my view, a case is made out for grant of bail. The applicants be released on bail in the sum of Rs 5000/- each with one or two sureties in the like amount each. The applicants shall report to MIDC Police Station once in a week till the filing of the charge sheet and thereafter twice in a month.

4. Application is accordingly disposed of.

V.M. KANADE, J.